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WAYS THAT WIN

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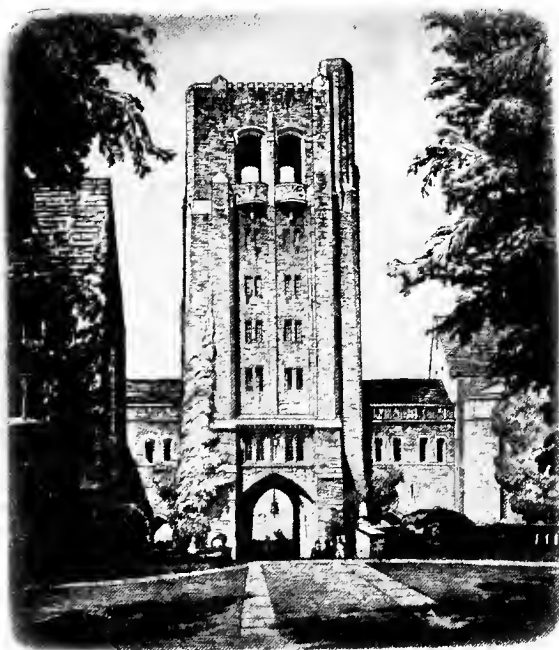


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# WAYS THAT WIN

WALTER S. CARTER



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# WAYS THAT WIN

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*SOME REMARKS  
MADE BEFORE STORY (COLUMBIA) CHAPTER  
OF PHI DELTA PHI, ON FRIDAY  
EVENING, APRIL 28, '98*

BY  
**WALTER S. CARTER**  
HONORARY MEMBER  
OF THE FRATERNITY

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## PUBLISHER'S PREFACE.

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The address of Walter S. Carter, which forms the body of this little book, was published in pamphlet form, soon after its delivery, at the request of members of Story Chapter of Phi Delta Phi, and distributed gratis through private channels. The address brought forth such favorable comment, some of which happened to come to our notice, that we at once applied to Mr. Carter for the privilege of publishing it in this form and offering it for sale to the public. Mr. Carter graciously acceded to the request. As every book should have a name, and as the author of it is in the best position to name it, we called upon Mr. Carter for a title. In this matter he was pleased, he said, to defer to the wider experience of the publishers. We have, therefore, given it the title "Ways That Win," believing that it exactly describes the

book, and that by that name it will be most easily remembered and referred to.

Mr. Carter is one of the leading members of the American bar, so that young men who have the privilege of reading these pages may consider themselves highly favored. The address is remarkable for its practical, common sense treatment of a somewhat hackneyed subject.

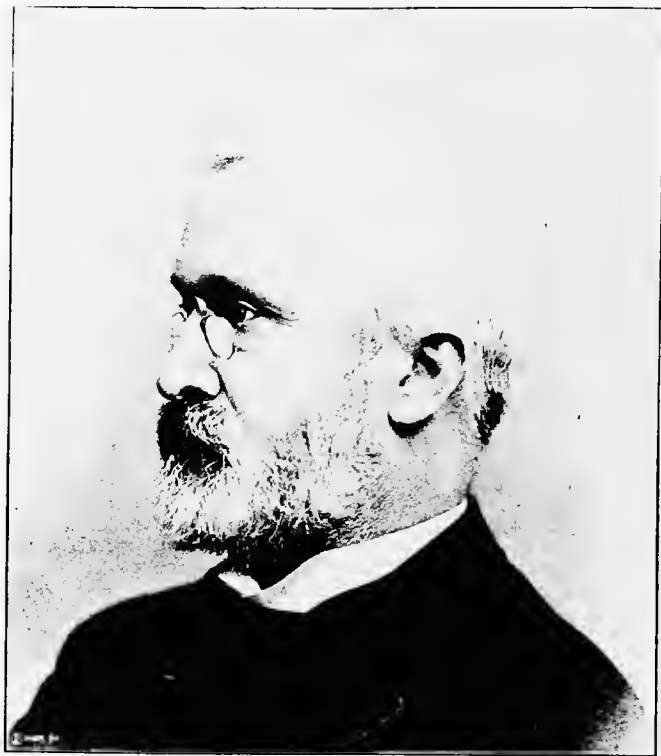
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DETROIT, MICH., May 1, 1899.









*Walter S. Carter*

CARTER, HUGHES & DWIGHT,  
ATTORNEYS AND COUNSELORS AT LAW.  
NEW YORK CITY.

# WAYS THAT WIN.

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SOME REMARKS  
MADE BEFORE STORY (COLUMBIA) CHAPTER OF PHI DELTA PHI,  
ON FRIDAY EVENING, APRIL 28, 1898,

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*Mr. Consul and young gentlemen :—*My first words shall be those of thanks and congratulation; thanks for the honor you have conferred by inviting me to address you, congratulation upon the privileges which it is permitted you to enjoy as members of this distinguished law school. I hope you are all college graduates, but if you are not, don't be troubled; some of the greatest lawyers in the world have never seen the inside of a College. Judah P. Benjamin, the leading Barrister of his time at the English bar, was not a graduate, neither were Matthew H. Carpenter or Roscoe Conkling. George F. Edmunds, of Vermont, and Ed Baxter, of Tennessee, both great lawyers, also ob-

tained their education in ordinary schools and academies. You have heard, haven't you, of the country editor, who uttered his calamitous wail, "Our great men are all dying off; I am not feeling very well myself." I too, am not a college graduate. It always has been the grief of my life that the opportunity for a liberal education was denied me; and standing here this evening I can but contrast your opportunities with my own forty-five years ago. A former school teacher, who had become a lawyer, had been elected Judge of Probate; and he came and asked my parents to let me study law with him, saying that if I would write up his probate records, he would give me free tuition. Of course I was crazy to go, and my parents were crazy at the thought of my going. They were anxious I should become a farmer; I felt sure I might be Marshall and Piuckney, rolled into one, if I only had half a chance. I shall never forget the evening when the question was to be finally decided; my mother had reserved her highest trump for the occasion. "My

son," said she, as the tears came into her eyes, "I am afraid if you leave your father's house and go out into the world to shirk for yourself, you will end your career on the gallows." It was a big card, but it didn't win; I went, and inasmuch as the electric chair has superseded the gallows in New York, I have the notion that my chances of escaping the fate which my mother feared, are fairly good.

And now, there are so many things to be said, I scarcely know where to begin. I will tell you, though, that I shall not usurp the functions of the average orator at law school commencements. I have heard several addresses to law graduating classes, and this was their gist: be honest, be highminded, be truthful, be honorable, and all such useless rubbish. Why, of course, you will be honest, and highminded, and truthful, and honorable. What I have said to myself on those occasions has been, these young men, standing at the threshold of their professional lives, should have been told where to locate, how to start, what means to employ to succeed,

and things along all such lines. That shall be my task now, and drawing from my own experience and that of others whom I have known, I shall simply go ahead and blaze the trees through the Black Forest that lies before every young man entering upon the profession of the law.

The first question you of the senior class are face to face with, is that of location; where shall these gifts and graces of mine have their exercise, is the first great question, and here, of course, is a great opportunity to blunder. I know how natural it is, how universal is the tendency, for young men to rush to the large cities. I estimate that I have been consulted by twenty-five hundred of them within the last seventeen years, and I don't believe there were a dozen who did not wish to come to New York. I am glad to add that by the kindly aid, at times of a base ball bat and at others of a shot gun, as the case might require, I have kept a few of them away. I think most of them came, however, and among them

were many who have grandly succeeded, some who have ignominiously failed, while the rest are just keeping soul and body together. It is amusing to add, that while so many have sought my advice, I recall but two instances in which any of them ever followed it. One young man came from Connecticut about fifteen years ago, who had an uncle, a janitor of the building where we had our offices. The relative had told him that New York was *the* place, and he pointed in illustration possibly to me, certainly to Mr. Hornblower, and others then associated with me. In those days I made the most powerful speech of my life on Grand Rapids, Michigan, as a place for young men to locate in. It is true I never had been there, I never yet have been there, and I probably never shall go there; but, all the same, my eulogy on the city was an eloquent one. I recollect particularly how I dwelt upon the fact that it well-nigh doubled its population every ten years; I declared it to be an ideal place in point of location; I described, with some particularity of de-

tail, its beautiful opera house, its fine churches and school houses, its refined and polite society. My young friend from Connecticut was much impressed, and I nearly fell in a faint when I heard him declare that he would go. I gave him letters of introduction to every one I knew there, and in due time he bade Connecticut roof-trees farewell and went west—to Grand Rapids—to make his home and climb to fame. He wrote me shortly after his arrival, thanking me for having directed him so wisely, telling me that Grand Rapids was all that I had described it to be, and expressing himself as having much confidence in his ultimate success. It was the last letter I have ever received from him, and I have never seen him since. He returned to Connecticut, at the end of six months, where he is now a Judge of the Superior Court.

In selecting a location, my advice to you is to keep away from the large cities; even if you decide to go to one, do it as the old woman proposed to fire the gun—by degrees. For instance, if you propose



to settle in Milwaukee, go first to Racine, stay there ten years, make local name and fame, and then remove to Milwaukee. That is the way the most brilliant man I have ever known, Merritt Decatur Hammond Carpenter, did. Destined for Milwaukee, he went from Rufus Choate's office in Boston, first to Beloit, Wisconsin, where he made a reputation so great, that the members of the Rock County Bar, at the conclusion of one of his arguments before the Supreme Court of the State, gave him the name of "Matthew Hale," which he carried ever after, even into the chair of the presiding officer of the Senate of the United States. If I were going to live my life over again, and could start with the experience and knowledge I now have, I should settle in a small State instead of a large one. It is possible that Senator Gray, of Delaware, might have been a Senator of the United States, had he lived in New York, but I doubt it; his colleague, Richard R. Kenney, I am sure never would have been. When I was a student in New Hartford, Connecticut,

about forty-five years ago, I recollect two little boys who used to come there from St. Louis for their summer home. When I went to Chicago, in 1869, the older one, who had graduated from Yale a year or two before, was there, endeavoring to get a start as a lawyer. His mother meanwhile had changed her home from St. Louis to Bristol, Rhode Island, and there the young lawyer went for his summer vacation. Chicago never saw him afterwards; he remained in Rhode Island, commenced practice in Providence, upon the death of Judge Knowles became United States District Judge, and upon the retirement of Judge Lowell became United States Circuit Judge, which position he still adorns. His brother was Attorney-General of the State seven years, has practiced law successfully, and is now the president of one of the largest financial institutions in New England. Now, in my opinion, neither one of those young men would have come to any such eminence had they settled in New York; it was the small forum, the comparatively

small number of those engaged in the race with them, that gave them their success, superior though their abilities were. And here is something that you who are thinking of settling in New York should not overlook. As you know, we have here the vicious system of electing judges. What possible chance is there for a young man attaining what should be the object of every true lawyer's ambition, the bench, save through the medium of a Tammany nomination? There have been but few instances in the twenty-five years and more that I have been here, when the route thither lay in any other direction. In two or three instances only have the candidates of the dominant organization been defeated. Occasionally a Republican Governor has had the chance to bestow the ermine upon one of that faith, but not often. On the other hand, see what the chances for judicial preferment in the other portions of the State have been. Look at Syracuse, for instance. Since I came here, George F. Comstock, who ranked during the later years of his life as the ablest

lawyer in the State, William C. Ruger and Charles Andrews, have all been Chief Judges of the Court of Appeals, and Irving G. Vann is now a member of that distinguished court. George N. Kennedy, Peter B. McLennan, and Frank H. Hiscock have been on the bench of the Supreme Court, the last two being there now, and William J. Wallace is United States Circuit Judge. The same rule would hold good in Rochester and Buffalo, differing only in degree. Millard Fillmore was elected Vice-President of the United States from Buffalo, and a month after assuming office became President; but he never would have attained that exalted station had he located in New York; in Buffalo he was easily distinguished among a half dozen; here he would have been overlooked among several scores of men of equal, if not superior ability. Let me say another thing; you hear only of the men who come to New York and have succeeded; I recall one who began in 1874 at \$10 a week, and in 1888 had an income of \$20,000 a year; but that was the ex-

ception, not the rule. And when success, as it is called, is achieved here, what does it amount to? The chances are that your neighbor in the next block may never see or hear of you. It is my judgment, and it is the judgment of the wisest members of the profession with whom I converse, that young men who settle in the smaller places, get more out of life, come as a rule to higher estate, both in the profession and in politics, than those who gather in the great centers. Put in a single sentence, I would state the rule relative to location thus: settle in the place where you have the most friends of influence, who will make your cause their own, and push you for all there is in you. I have tried a thousand times to say something better than that, but I have given it up; it tells the whole story. Of course, I need hardly add, that if the application of this rule holds you in New York, if you live here, or if it brings you here, if you do not, then by all means apply it. As Daniel Webster said: "There is always room at the top."

And now, having located you, the question is how shall you make your beginning—shall you “flock by yourself,” or go in with some one? To this there can be but one answer—enter some good office, where the practice is of a general nature, and where, during the first year, you will be a hewer of wood and a drawer of water for everybody. The second year you should be assistant to the Managing Clerk, going to some of the courts while he is in attendance upon others, assisting him generally, and acting in his place during vacation and other absences. The third year you should succeed him, and at the end of that time, “sink or swim, live or die, survive or perish,” make your plunge for fame and fortune. This is the time-table for a young man intending to be a lawyer: four years in preparatory school, four years in college; three years in law school, and three years in an office; then if your friends bring business, you will know how to do it. If you should start before you had office experience, you wouldn't know what to do with a case if it came to you.

Avoid, as you would a pestilence, the very large offices, where you are set to work in some department, like that of admiralty, real estate, land damage, personal injury, collections, or any of the specialties that are found in many law offices. Do not seek a position with any lawyer to look up law for him; you have been doing that for three years, and what you want is to familiarize yourself with legal machinery. Mr. Hornblower used to be Managing Clerk in our office, and later, when he wanted to administer discipline to some employee, he knew wherein the offence consisted—he had been there himself. Mr. Bowers, general Counsel of the Chicago & Northwestern Railroad Co., one of the finest positions of the kind in the country, was our managing clerk less than fifteen years ago; Mr. Kelsey, President of the Title Guarantee & Trust Company, was his predecessor, and Mr. Hughes, now of our firm, his successor. Learn the machinery and learn it as thoroughly as you have learned Equity with Keener, Contracts with Cumming, or Bills and Notes with Burdick.

In advising you to start for yourself, I do not mean to advise you to decline offers from established lawyers or firms. Of course no general rule can be stated regarding such matters, save this: if a good opportunity offers, take it; if it does not, start for yourself. Which of the two plans is most likely to succeed? I cannot say; I have known both to succeed, and both to fail. Were I to express a preference, it would be in favor of an effort to effect a connection with an established firm. If you get a chance in a good office, make yourself indispensable—so useful that they simply cannot get along without you. Is this difficult, you are asking? Oh no, it is easy. If the office opens at nine, get there at half past eight; if it closes at half past five, stay until six; if there are shirks on the staff—as there generally are—be swift to do their work; make the cause of the firm your own; be instant in season and out of season, neglect no possible opportunity, and you can't escape success if you try.

If you enter an office, its character and



surroundings, of course, will be made for you. If you start alone, what then? In other words, how should a young man begin, alone or with some one else? Well, that depends—as a rule, with some one else. A firm with two names? Yes, unless you can have what is better, one with three. How should they be made up? Politically, two Republicans and one Democrat, or two Democrats and one Republican; no Mugwump need apply. Religiously? Three different denominations, no two alike. Socially? One who is in the “400”—though that would be a great trial to me—the other two, men who are intent only on their work. Colleges? Harvard, Yale, Princeton, or any of them; the point is not to have two alike. Residences? One in Manhattan, one in Brooklyn, the other might try New Jersey. Should all be orators? Oh, no; only one of them; one should be the court lawyer, one the office lawyer and the other the outside member—the level-headed man of affairs. An office now-a-days without such a man, is a pretty poor office—he is the most import-

ant person in the firm. And about offices? The old days have passed away and all things have become new. Fifty years ago the lawyer's office was the dingiest and dirtiest place on earth; no order but disorder; no carpet or rug; a stove in the center set in sawdust, three or four rickety chairs and a possible bookcase, that was the entire outfit. To-day all that is changed; the lawyer's office, as a rule, is furnished as well as his house, and sometimes better. In our own office—I mention this because I do not know any other well enough to speak of it—we have Turkish rugs in every room, and scores of artists' proofs of distinguished judges upon every wall; the furniture, the wood work and the walls harmonize, and every appointment is as good as we know how to make it. I know no reason why a lawyer, who lives in comfort and elegance in his home, should live in plainness and discomfort in his office. At least half a lawyer's waking moments are spent in his office; why shouldn't it be pleasing to the eye and contain everything that will conduce to his comfort and

pleasure? Don't say you cannot afford it; you can't afford not to have it. I know a young lawyer, formerly a resident in a western city and now in practice here, whose firm of three members dissolved. The junior, then about thirty years of age, went to the president of the largest bank in the city, which had just erected the finest office building there, and told him if they would make the firm, which he proposed to form, attorneys for the bank, he would rent the entire first floor for their offices. The offer was accepted, the new firm organized, the other two being young men who had been in the office of the old firm, and in less than two years it was doing the best business in the city and had one of the best collection and commercial practices in the State of Missouri. Now if those same young men had made a firm, rented three meager offices, started without clerks, stenographers or helpers of any sort, they would probably be eking out a hand to mouth existence at this moment. Argument, have a good office, one that will make a good impression on clients

and callers, that will proclaim to everybody who sees it that business is done there, and that the firm is on the high road to prosperity. I have always been a believer in good offices as an aid to business, as some stories of me, some true and some not, attest. A distinguished Federal Judge, for example, started this story on me nearly forty years ago. As he has been telling it all these years—telling it, I verily believe, till he now actually believes it to be true—the story runs in this wise: in starting my office I built a bookcase across one of the sides of the room and put shaded windows in it; having done this, I tore a hole in one of the shades and put the only law book I had, viz: the Revised Statutes of Wisconsin, *in front of the hole*. I have had as much fun out of this yarn, I venture to say, as the Judge has himself, and mention it in the confident hope that you young gentlemen will enjoy it as much as we have.

Let me say a word about cards, letter-heads and the stationery that a young lawyer should have. This may strike

some of you as a trifling matter—it is a very important one. When a young man's card comes in to me, I know him before he enters my room; if he should send in a printed one, I want to express sorrow for him here and now. The visiting card is the one infallible test of that quality which is expressed by the word gentleman; no other is so unerring, no other can be so implicitly depended upon. Query: if the printed visiting card makes a young man a duffer, what does a printed professional card do for a lawyer? I would give up law practice, if I couldn't make business communications on engraved letterheads, and I would be ashamed to send a printed professional card into any lawyer's office or any business place whatsoever; and yet, the printed card and printed letterhead are in almost universal use. On our list of upwards of a thousand correspondents in the various states and territories, up to half a dozen years ago, I doubt if one of them wrote us on an engraved letterhead. Then it was that I began work on letterhead reform, by

slipping blue pencil notes into business letters to this effect: what a pity it is that you don't know the luxury of writing to correspondents on engraved letterheads. The hint took, and now I am glad to add, that most of our important correspondents, like those of England and Canada, communicate with us on Dreka's best, many of them having copied our letterhead exactly. We carry it to the extent of having engraved billheads and bank checks, the latter having the only lawyer's vignette I have ever seen—a fair hand holding scales, the open Bible and a shield; in other words, Justice, Truth and Law.

I advise such of you as may not succeed in making a connection with some established lawyer, to start for yourselves; and some of you may be saying, well, suppose we follow your advice, go to some suitable place, rent pleasant offices, fix them up attractively, what shall we do then to get business? In answering this, let me say, first, get all the letters of introduction you can to persons in the

place where you are going. No matter whether they are influential or not, get the letters; as a practical question it will turn out that those you count most on, will do you no good, while those you count little upon, may do you a great deal. The influential and important person has so many missives of this kind that he pays little attention to them; the man of lesser importance, on the other hand, feels especially honored, and so he will do everything he can. Let me relate one experience of my own. I had, in 1874, placed my two oldest sons in a preparatory school in New Jersey, whose principal I had known when he was in Wesleyan University, in 1854-8. It happened that the \$50 I sent as their deposit on entering, was the first dollar that had been received by the school, which was a new one. The principal called upon me to express his thanks, and remarked in the course of the conversation that he would be happy to have me meet the President of their Board of Trustees, who was a well known merchant here, and if

I would like he would give me a letter of introduction. I told him I would be glad to have him do so, whereupon he sat down at my desk and wrote it. Let me say, right here, that if you are ever given a letter of introduction, don't fail to present it, as too many persons do. I called the next day and presented the letter to Mr. George J. Ferry, then as now, the head of one of the large wholesale hat houses of the city. He received me with great courtesy, and asked me, I recollect, if I was familiar with bankruptcy law, and presently I took my leave. As I was returning, I recollect I felt very much in doubt whether my call had done me any good; there certainly was not much warmth in my reception, and I felt certain I had not been at my best; but a couple of hours later a letter was sent to me by this same Mr. Ferry, asking me if I could call at his store at three o'clock that day. I was there on time, and upon entering was introduced to Mr. Samuel Shethar, another of the leaders of the hat trade. The result was that before I left



my firm had been retained to put the firm of J. J. Johnston & Co. into bankruptcy. This we did, a compromise was soon effected, and we were paid a fee of \$3,500. Three or four years later, they failed a second time, again we were employed, and this time our fee was \$2,000. Meanwhile the firm of Henry W. Duryea & Co. had failed; we were again employed by the same parties, succeeded in effecting a settlement and received a fee of \$1,500. By this time, we had made such a reputation as bankruptcy lawyers that when the great straw goods house of Vyse & Sons failed, with liabilities of \$7,000,000, we were employed to put them into bankruptcy, and I received a fee of \$3,000 from the Committee of creditors *for two days' work*. Mr. She-thar was elected Assignee, selected us as his attorneys, and we were allowed and paid by the court \$13,000 more as counsel for the Assignee. Then we were retained to put the firm of Duncan, Sherman & Co., which had failed with liabilities of \$11,000,000, into bankruptcy, were em-

ployed by their Assignee, and were allowed a fee of \$15,000 more. One of the creditors of Duncan, Sherman & Co. was interested in the firm of Frederick Schuchardt & Sons, and through his influence we were employed in that matter, in which we received a fee of \$11,000, and from that time on until the repeal of the bankrupt law, we had practically all the business of the hat and straw goods trade of the city, and had the largest bankruptcy practice in the country. In a word, I could trace in less than five years from the date of that letter of introduction, from a plain Methodist minister, fees amounting in cash to at least \$60,000. Shall a young man entering professional life seek letters of introduction? The question needs no further answer.

What things can a young lawyer properly do, that will be most likely to bring business, is a question which you doubtless have all asked before now? The answer is plain—extend your acquaintance. A young man, just admitted to the bar, you can make no claims for

yourself on the score of professional eminence, nor can your friends for you; but you can get acquainted with people. If you are introduced to a man, remember his name and everything about him, and when you meet him next time, no matter whether it be in a day or a year, if his name is Smith, call him Smith, and not Brown. It is almost an offense to address a man by a wrong name; on the other hand, especially if the acquaintance is a slight one, to call him by his right name, is to pay him a compliment—he feels that he made an impression. Secret societies? Yes, if you feel like it—it's simply another way of making acquaintances. I tried it once, years ago, but gave it up—I could find better methods. Clubs? Yes, but you will be greatly disappointed in what they will do for you. That is the wire that everybody pulls, and so it don't amount to much. I would rather have the friendship of a drummer for some wholesale house, whom you may elbow against in some ordinary boarding house, than any club influence that was

ever exerted in the world. Military? Yes, but it only extends your acquaintance; you will strike a lot of mighty fine fellows, have a royal good time, and it may mean dividends some day. Politics? Certainly, why not? The highest duty of citizenship consists in being interested in politics—I mean clean politics. Connect yourself with one or the other of the two great parties; don't on any account be a Mugwump, with nose high in air as the followers of Seth Low carried theirs last fall; don't assume to be wiser than a convention when nominations are made; stand by the machinery, through evil as well as good report, if you value success; if you don't, then it doesn't matter. In my forty years of observation of men and things, I have never known a political kicker get anywhere; on the other hand, those who have joined one or the other of the two dominant parties and stuck to them, have generally succeeded. If you stay in New York, select as your place of residence an assembly district where the party majority agrees with your political

views, and stay there—don't go outside on any account whatever; then, having joined the organization, go to work and build up a following, and this done you will find yourself sent as a delegate to conventions, next to the Assembly, then likely enough to the Senate, later possibly to Congress, and where you will land will depend upon the record you make, upon the things you accomplish. As ex-Senator Farwell, of Illinois, said to me when I removed in 1869 from Milwaukee to Chicago: "We've not much use down here, Carter, for bookish lawyers; what we want is men *who can make things happen.*" Well, if you turn out to be one of those who can "make things happen," there is no telling to what high estate you may attain.

What about advertising, is a question which you likely are asking, and as a general answer I will say that the world moves. When I came to the bar, forty-three years ago this month, very few, if indeed any good lawyers, advertised. To-day all that has changed. In the English

Law List, which is the official organ of the bar of that country, are to be seen the cards of Alexander & Green, Cary & Whitridge, Evarts, Choate & Beaman, Parsons, Shepard & Ogden, our own firm, and those of several others in New York. In the Scottish Law List, for 1898, I notice the names of Alexander & Green, Evarts, Choate & Beaman and Carter, Hughes & Dwight. The Irish Law List contains the cards of Evarts, Choate & Beaman and our own. I think the strongest, as it is one of the largest firms in the world, having thirteen partners, is that of Blake, Lash & Cassels, of Toronto, whose card I see in all the foreign law lists, and in well nigh all of our own legal and banking directories. In Canada the large firms, as a rule, all advertise. The two other leading firms in Ontario are McCarthy, Osler, Hoskin & Creelman, and Beatty, Blackstock, Nesbitt, Chadwick & Riddell, and they both advertise. So do the three great firms of Winnipeg, viz: Macdonald, Tupper, Phippen & Tupper, Ewart, Fisher &

Wilson, and Aikins, Culver & McClenaghan. Indeed, in all the provinces of Canada, there is not a firm of any importance that does not advertise. Of course, the advertisement must be a dignified one; merely the card, nothing more. An ambitious young law firm in New York, two or three years ago, said in an advertisement in a legal directory, "We defy competition." They were so generally laughed at, however, that if they breathe defiance any more, they certainly don't express it in their advertisements. A firm in Salt Lake advertised in Hubbell's Legal Directory as follows: "We are a Godsend to honest creditors, a holy terror to delinquents. Our motto is 'the devil take the hindmost man.' We are dandies on stale claims;" but the attention of the publishers having been called to it, in the next issue it was suppressed. Answering your suppositious question then, I should say, that it is just as legitimate and proper for a lawyer to publish his card, preferably in a legal or banking journal, as it is for a business man to advertise his business.

Probably one of the best ways to get business is to do what business you have so well that you will make a warm friend of your client, and perhaps also of your opponent's client. When Mr. Hornblower was with me we had some claims for the Metropolitan National Bank against the firm of Sirret & Stafford, of Buffalo. Mr. Hornblower went there and tried the cases himself, having for his assistant, John L. Romer, Esq., then and now of the firm of Day & Romer, of that city. The cases were heard before Grover Cleveland, as Referee, and it was then and there that his acquaintance with Mr. Hornblower began, culminating as you all know in his nomination of the latter to the bench of the Supreme Court of the United States. The cases went to the Court of Appeals, where we were finally beaten. Mr. Romer, however, made so good a reputation for himself by his careful preparation for trial, that he attracted the attention of Mr. Stafford, who afterwards recovered himself, became the proprietor of the Imperial and one of the



other large hotels of New York, became the most valuable client Mr. Romer had, and when he died made him executor of his estate, which, with his widow, he is now administering. In Milwaukee once I had \$13,000 in claims against the Propeller Rocket, of the New York Central Transportation Company's line, but they were stale in every jurisdiction except that of Wisconsin, and the wily owners kept her out of the ports of that State. One day I saw in a daily paper a dispatch from Detroit that the Rocket had passed up. I supposed that probably she was going to Chicago, but knew of course, she might put in to Green Bay or some other place in Wisconsin. It was at a time when there was quite a demand for freight, and a good deal of grain was being shipped from Green Bay. I immediately wrote a correspondent there that if the Rocket should arrive, to telegraph me at once. The next day came a dispatch saying the steamer was in port. I had about a dozen monitions issued, my partner, Honorable William G. Whipple, now of Little Rock,

Arkansas, was specially deputed to make service, and he went up there and seized the vessel. Some time after Dean Richmond, the great New York politician, President of the Transportation Company, came to Milwaukee to see me with a view to a settlement. He wanted to know on what terms we would settle, and I told him principal, interests and costs. He talked and argued and tried every art of the great negotiator that he was, but I was firm. Finally he came to terms; I figured up the amount, and he gave me his check for it. It was all done in three minutes when we got to it. I supposed he would require formal papers of discontinuance, but all he said was: "You please see that the libels are dismissed," which I told him I would do. Then, turning to the agent of the line, who was present, he told him when the company's year with the law firm in Milwaukee that then did its legal business expired, to employ "this house," as he termed us. Argument, just as likely as not, the sounder the beating you administer to your oppon-

ent, the better the friend you may possibly make of him.

Well, what things can a young lawyer do, you are not unlikely asking, which will enable him to distinguish himself both with clients and opponents? I will mention four: (1) If you are going to be a trial lawyer, read at least a half hour a day, as long as you live, either some text book or some case on evidence. In every other department of the law, you have the chance to take a long aim, abundant time to examine the authorities, and find out exactly where you are; but a question of evidence is sprung on the instant. If a question is asked that is not admissible, you should have your objections at your tongue's end and be on your feet in a moment; there is no chance for looking up authorities then. On the other hand, if you are conducting the examination in chief, quick as a flash may come the objection, and quick as a flash you must be ready to answer it. Many times in my life have I seen justice defeated and injustice triumph, simply because one law-

yer knew his business and the other didn't. (2) In preparing a case for trial or argument, alternate your attorneyship for your client with the attorneyship for your opponent's client. In other words, assume that you are on the other side and work as hard as you can to ascertain reasons why that contention should prevail. Having done this, return to your own side and study how the points you were just contending for can be overthrown. You may be pretty sure that every point that will occur to you, when you are playing attorney for the other side, will occur to your opponent when the trial is actually reached, and it will be of immense value to you to have the arguments in reply well matured and thoroughly reasoned out. (3) Take the greatest possible pains to make the statement of your case, either in the court below or in that above, as clear, concise and comprehensive as possible. If a lawyer is all muddled up, either in his statement of fact or of law, how can it be possible for the judge and jury not to be muddled

also? On the other hand, if he has his facts well marshalled, and his statement of them is clear and accurate, he may depend upon it he will have gained a great point. Justice Bradley, of the Supreme Court of the United States, who was an uncle of Mr. Hornblower, advised him above all things to aim at clearness of statement in opening his argument before an appellate tribunal. He added, that the lawyer who opened with the fewest words and the clearest statement, had half won his case already. For examples of style in this respect let me refer you to the opinions of Sir George Jessel, Master of the Rolls, in the English Law Reports, Equity series, beginning with Volume 17, and Judge Francis M. Finch, in the New York Court of Appeals Reports, Volumes 81 to 148 inclusive. And just here let me emphasize the importance of brevity; this is a hurrying age, and with overcrowded dockets, judges want everything boiled down. "No matter about that, come to the point; tell me what you want and cite your authorities,"

I have heard from the bench many a time, directed at some young lawyer who was too long winded. There has been no greater lawyer at the American bar in my time than the late Benjamin Robbins Curtis, of Massachusetts, and his arguments, even in the Supreme Court of the United States, seldom exceeded from twenty minutes to a half hour. Of all bores, the long-winded lawyer is the worst, and of all cheap things, eloquence in a legal argument is the cheapest. (4) As a rule, the lawyer who prepares his case best will be most likely to succeed; nothing else under the sun will take the place of the most minute and careful preparation. Every possible phase of the case should be carefully thought out and the evidence always on hand. It is related of a celebrated western lawyer, now in the United States Senate, that his method of preparation was like this: summoning his client he would ask for a statement of the facts and the client would begin. "Have you a witness to that?" the lawyer would inquire, and upon being answered in the

affirmative, he would say: "All right, go ahead." Then when the next fact was stated, again would come the inquiry: "Have you a witness to that?" and if the client's answer was in the negative, he would add: "Well, *you must go right off and get one.*" There is no use in asserting things unless you have witnesses on hand to prove them. I have mentioned Matt Carpenter of Wisconsin before; I will do so again. He told me, the last time I ever saw him, that he prepared his cases more carefully then, than he ever had before in his life. A young man who is going to play a fiddle or a piano, will go to Europe and study for years, and spend thousands of dollars on his preparation, before he will think of going before an audience to play. Young lawyers, on the other hand, in cases involving the most important interests of person and property, yea, even life itself, will go before a court and jury with scarcely any preparation at all. A friend of mine once called on Paderewski and found him practicing at the piano. "What, do you have

to practice?" my friend inquired. "Oh, yes," was the reply, "I never think of playing before an audience without several hours of practice." Harry Rowe Shelley, organist of the Fifth Avenue Baptist Church here, is one of the finest concert players I have ever heard. He played in the New York Avenue Church, in Brooklyn, last week, Wednesday evening, and he told me after the recital, that he had practiced three whole days in preparation for the evening's work. Assuming that a young lawyer will win half of his cases anyway, he who will follow the rules I have laid down, will be certain to win three-fourths of them; and if he does that, it will soon get around that he is a case winner, business will follow and high success will be assured.

I wonder if some of you are not saying to yourselves, you have told us a good many things that we should do, are there any you would not have us do? Oh, yes, there are more of the latter than of the former, several times over. I cannot mention them all, but I will lay down one



general rule: Don't have any personal peculiarities—be an everyday, sensible, levelheaded human being. Up to the time when I was nearly forty, I remember with a shame that I cannot express, I wore long hair, that reached almost down to my shoulders. What under the sun I ever did such a thing for, I have no idea, unless it was that in the city where I lived there was an exceedingly able minister named Dudley, who wore long hair. He was generally regarded as a genius, and I think somehow I must have gotten the idea that if I wore my hair long I might also be mistaken for a genius. Don't part your name in the middle; leave the J. Caesar Smith, N. Bonaparte Brown and G. Washington Jones to someone else. I have believed for many years, that a new society should be organized for the prevention of cruelty to children in the matter of their names, and my advice to you is that if your parents have cast dishonor upon you, by naming you Peleg or Medad, Vivian or Lionel, repudiate what they have done, take some

good ancestral name, and ever afterwards go by it. Three or four years ago, a young lady called at our office to get a position as a stenographer. "What is your name?" I asked; "Miss G. M. Dunn," she replied. "What does G. stand for?" I inquired. Evidently very much disturbed, and I don't blame her, she answered: "Graceful." "What?" said I. "Graceful," she repeated. "Where did you get that name?" was my next inquiry. "From my mother," she said. "Well, if she is living," I added, "tell her she has done you a great wrong, and you wout stand it." She thanked me, said she had always felt just as I did about it, and left promising that henceforth she would be Miss Grace M. Dunn. I hope she has stuck to her resolution. But it is not always the parents who are to blame. Five or six years ago an exceedingly fine looking young fellow, a graduate of Cornell College and Law school, called upon me, who wanted a position in our office. "What is your name?" I inquired. "J. S. Waterman," he answer-

ed. "What does J. stand for?" I asked. He, too, looked troubled as he replied, "Jot." "Where did you get that name?" was my next inquiry. "I didn't like my name Joshua and so I took it," was the answer. "Well, I don't want you, wouldn't take you if you would work for nothing, wouldn't have you around, or any other man who has so little sense as to discard the grand old Scriptural name of Joshua for the supremely ridiculous one of Jot," was my reply. I think "Jot" S. Waterman departed this life then and there and that Joshua S. Waterman was born again.

As it was difficult to know where to begin, there were so many things to be said, so now I find it equally difficult to know where to stop, so many things still remain unsaid; but I must not violate the rule of brevity which I have just laid down for you, and so in a word, I will sum up what I have tried to say: Locate in the place where you have the most influential friends; enter some office having a general practice and stay until you

have learned the practical side of things thoroughly; make a connection with some established firm, or failing in this, organize a firm of three, no two of whom shall be alike in politics, religion, or anything else; rent good offices, fit them up attractively. especially with good stationery; extend your acquaintance by means of letters of introduction, clubs, societies, and organizations of all sorts, not overlooking dignified advertising; when business comes, do it so well that you will make a friend of client and adversary alike; have no personal peculiarities; always stand for what is best in the community, and certain success will be yours.

I began with thanks and congratulations; I will end in the same way. I thank you for the attention with which you have listened to me; I congratulate you that you are so soon to enter upon the practice of the noblest profession on earth. If your success is commensurate with your deserts, I am sure it will be most abundant. Would you have a model? Find it in Him who was the faultless pattern of all men.







